

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:08CR439
)	
PLAINTIFF)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
TODD F. NOVAK,)	MEMORANDUM OPINION
)	AND ORDER
DEFENDANT.)	
)	

This matter is before the Court upon Magistrate Judge George J. Limbert's Report and Recommendation that the Court ACCEPT Defendant Todd F. Novak's ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Dkt. # 7).

On October 22, 2008, the government filed an Information against Defendant. (Dkt. # 1). On October 22, 2008, this Court issued an order assigning this case to Magistrate Judge Limbert for the purposes of arraignment and receiving Defendant's guilty plea. (Dkt. # 2).

On October 31, 2008, a hearing was held in which Defendant entered a plea of guilty to Count 1 of the Information, labor union embezzlement, in violation of 29 U.S.C. § 501(c). At the hearing, Defendant waived indictment. Magistrate Judge Limbert received Defendant's guilty plea and issued a Report and Recommendation

("R&R") recommending that this Court accept the plea and enter a finding of guilty. (Dkt. # 7).

Neither party objected to the Magistrate Judge's R&R in the ten days after it was issued.

On *de novo* review of the record, the Magistrate Judge's R&R is adopted. The Defendant was found to be competent to enter a plea. The Defendant understood his constitutional rights. He is aware of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds that the plea was entered knowingly, intelligently, and voluntarily. The Defendant's plea of guilty is approved.

Therefore, the Defendant is adjudged guilty of Count 1 in violation of 29 U.S.C. § 501(c). The sentencing will be held on February 17, 2009, at 9:30 a.m.

IT IS SO ORDERED.

/s/ Peter C. Economus - November 19, 2008
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE